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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,638	09/15/2003	Jiro Hiraiwa	242742US3	8007
22850 7590 11/04/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER ZHENG, LOIS L	
			ART UNIT 1793	PAPER NUMBER
			NOTIFICATION DATE 11/04/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: JIRO HIRAIWA, OSAMU YOSHIMOTO  
and TETSURO TOJO

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Application No. 10/661,638  
Technology Center: 1700

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Mailed: November 3, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 26, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

**PRIOR RETURN ORDER**

A prior "Order Returning Undocketed Appeal to Examiner" was mailed on July 7, 2009 wherein the Examiner was instructed that corrections to the appeal were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The matters still requiring attention are identified below.

**EXAMINER'S ANSWER, ENGLISH TRANSLATIONS**

The certified English translation for JP2000-160390 (Fumio et al) listed under the Evidence Relied Upon section of the Examiner's Answer filed on February 24, 2009, are missing from the IFW file. The Examiner seems to be relying on a machine translation. The BPAI do not accept machine translations. Appropriate correction is required.

MPEP 1207.02 states in part:

If a document being relied upon by the examiner in support of a rejection is in a language other than English, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The translation should be obtained prior to the appeal conference so that the participants of the appeal conference can consider the translation. The examiner should reference the pertinent portions of the translation at least in the grounds of rejection section of the answer. See MPEP § 706.02 for reliance upon abstracts and foreign language documents in support of a rejection.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

- 1) to have the certified English translation for JP2000-160390 scanned into the record; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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